

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERY DONELL ROBINSON,
Plaintiff,
v.
C. CRYER, et. al.
Defendants.

Case No. 1:20-cv-00980-NONE-HBK
ORDER GRANTING PLAINTIFF'S
MOTIONS TO AMEND
(Doc. No. 21, 23)

Pending before the Court are Plaintiff's duplicate motions to amend his civil rights complaint, filed on July 6 and July 8, 2021, respectively. (Doc Nos. 21, 23). Included with Plaintiff's July 8, 2021 motion is Plaintiff's proposed First Amended Complaint. (Doc. No. 22, "FAC"). On June 2, 2021, the Court issued its screening order on Plaintiff's initial civil rights complaint filed under 42 U.S.C. § 1983, finding service of process appropriate on the defendants Cryer and Merritt and directing Plaintiff to complete service forms for defendants. (Doc. No. 19, "June 2 Order").

Federal Rule of Civil Procedure 15 permits, *inter alia*, a party as a right to file an amended complaint within twenty-one days after serving it. Fed. R. Civ. P. 15(a)(1)(A). A review of the docket reveals that Plaintiff filed his motion to amend before his complaint was served on defendants. (*See* docket). A screening order will now be due on Plaintiff's FAC. To the extent the June 2 Order directed Plaintiff to complete service of process forms for Defendants, that

1 deadline is vacated pending a screening on the FAC.


2 Accordingly, it is **ORDERED**:

3 1. Plaintiff's motion to amend (Doc. No. 21) is DENIED as moot, considering Plaintiff's
4 subsequently filed duplicate motion to amend (Doc. No. 23).

5 2. Plaintiff's motion to amend (Doc. No. 23) is GRANTED and the Court deems
6 Plaintiff's proposed First Amended Complaint (Doc. No. 22) the operative pleading.

7 3. The Clerk shall correct the docket to reflect the names of the defendants identified in
8 Plaintiff's First Amended Complaint (Doc. No. 22).

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10 Dated: July 20, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE